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## SENATE BILL No. 234

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-22-17-15.

**Synopsis:** Award of state contracts. Provides that a contract for services entered into by a state agency after June 30, 2005, must require that: (1) all work under the contract be performed in the United States; and (2) the contractor file with the contracting agency an affidavit that the contractor has in its files an employment eligibility verification form required by the Immigration Reform and Control Act of 1986 for each individual that will be employed in the performance of the contract. Requires the department of administration to adopt rules to implement the requirement. Provides that a state agency may not enter into a contract for services until the rules (or interim written guidelines) are adopted.

**Effective:** Upon passage; July 1, 2005.

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January 4, 2005, read first time and referred to Committee on Economic Development and Technology.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## SENATE BILL No. 234

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 5-22-17-15 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2005]: **Sec. 15. (a) This section does not apply to either of the**  
4 **following:**

5           **(1) A contract for supplies.**

6           **(2) A contract entered into before July 1, 2005.**

7       **(b) A contract for services entered into by a state agency must**  
8 **require both of the following:**

9           **(1) The contractor must file with the contracting agency an**  
10 **affidavit affirming under penalties for perjury that the**  
11 **contractor has an employment eligibility verification form**  
12 **required by the Immigration Reform and Control Act of 1986**  
13 **(8 U.S.C. 1324a) for each individual that will be employed in**  
14 **the performance of the contract. The contractor must file a**  
15 **new affidavit with the contracting agency each time the**  
16 **contractor assigns an employee who has not previously**  
17 **worked under the contract to work under the contract.**



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1           (2) All work done under the contract must be performed in  
2           the United States.

3           (c) The Indiana department of administration shall adopt rules  
4           under IC 4-22-2 to implement this section. A state agency may not  
5           enter into a contract for services before the department adopts the  
6           rules required by this subsection.

7           (d) The attorney general may not approve a contract for  
8           services if an affidavit required by subsection (b)(1) is not included  
9           as part of the contract documents.

10          SECTION 2. [EFFECTIVE UPON PASSAGE] (a) The definitions  
11          in IC 5-22-2 apply throughout this SECTION.

12          (b) Notwithstanding IC 5-22-17-15(c), as added by this act, the  
13          Indiana department of administration shall implement  
14          IC 5-22-17-15, as added by this act, under interim written  
15          guidelines approved by the commissioner of the Indiana  
16          department of administration. A state agency may not enter into  
17          a contract for services until the commissioner approves interim  
18          written guidelines under this subsection.

19          (c) This SECTION expires on the earlier of the following:

20               (1) The date rules required by IC 5-22-17-15, as added by this  
21               act, are adopted under IC 4-22-2.

22               (2) July 1, 2007.

23          SECTION 3. An emergency is declared for this act.

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